

PLANNING COMMISSION MINUTES OF OCTOBER 24, 2005.

2004-0023/2005-0324 – Lockheed Missiles & Space Co. Inc.
[Applicant/Owner]: Application for related proposals located at **1111 Lockheed Martin Way** (near 3rd Ave) in an MP-I/MP-TOD (Moffett Park Industrial/Moffett Park TOD) Zoning District. (APNs: 110-01-025, 110-01-031) AM; **(Continued from September 26, 2005.)**

- **Tentative Map** on a 303.98 acre site to subdivide one lot into five lots, and
- **Variance** to allow five parcels without each lot frontage on a public street.

Andy Miner, Principal Planner, presented the staff report. He said staff has spent time reviewing the Conditions of Approval (COA) with the applicant to make sure that both the City assurances and Lockheed goals are met. Staff provided historical information about the Lockheed property, including information regarding the future extension of Mary Avenue, and commented that there is a time frame requirement for improvements deemed necessary for the final map included in the COAs. Staff recommends approval of this project with the attached conditions.

Comm. Simons asked, specific to the Mary Avenue extension, about one of the COA requirements of a \$250,000 contribution prior to the final map being recorded to be prepared for the extension study and the Environmental Impact Report (EIR). Ms. Ryan said this amount was partial satisfaction of a requirement in the original 1985 Design Permit Agreement. Comm. Simons said he recalled seeing a conceptual design of the bridge. Ms. Ryan said the conceptual design could no longer be used due to changes in the area, but that on July 19, 2005 the City Council approved the budget to facilitate conceptual engineering and environmental analysis of transportation improvements, including the Mary Avenue extension. Comm. Simons commented that he met with the applicant a couple of months ago and their discussion included the dedication of land for the extension. Ms. Ryan confirmed that the City never required a dedication of land for the extension for the site to the east of proposed Parcel 1. Comm. Simons expressed his concerns with the alignment of the bridge location and discussed with Ms. Ryan the COAs and the alignment consideration and access to neighboring sites. Ms. Ryan said that this particular integration would be part of a future development proposal and not a part of the proposed Tentative Map conditions.

Comm. Klein asked what the time frame was for the Mary Avenue extension. Ms. Ryan said there is no construction schedule, but the expectation is that within 18 months the Council would be in the position to select a preferred alignment and complete an EIR. The City intends to keep the project moving. Comm. Klein requested clarification about the parcels and asked what portion of the property Lockheed intends to keep and sell off. Mr. Miner referred to a map

displayed and also to the map on page two of the report providing an explanation of the parcels. **Comm. Moylan** further discussed with staff the parcels, the proposed lots and the “remainder lot.” Staff said the COAs do not apply to the remainder lot unless there is a specific tie-in. Staff and Commissioners discussed road and public access (different from public right-of-way), lots that would be subject to the variance (lots 2, 3 and 4), Lockheed privacy standards, and electric utilities, confirming that they are above and below ground. Staff assured the Commission that the COAs were done with care considering the storm water, sewer water, roads and utilities.

Comm. Moylan asked for a definition of a “Vesting Tentative Map.” Ms. Ryan said it is a tool available that protects the subdivider against changes in local regulations before the Final Map is received, vesting their rights as described at the time the Tentative Map is approved.

Comm. Klein said that part of the historical issue with this property is the amount of traffic it produces and how it relates to the Mary Avenue extension. He asked if there are specified traffic requirements with the proposed map. Ms. Ryan said that traffic requirements would be part of a development proposal, rather than a Tentative Map. She said that the land use table in the report shows the existing amount of development on these properties and as long as the Development Agreement is in place, until 2010, then a lower amount of development would be occurring on these properties. Comm. Klein clarified with staff that the parcels do have a restriction as part of the Lockheed Site Master Use Permit and as these parcels are developed the sites would have to be removed from the estimated whole of the project.

Comm. Moylan opened the public hearing.

Jim Carl, applicant, explained that the subdivision of the property is due to a downturn in business resulting in vacancies in the buildings. The division of the parcels will allow them to turn the parcels over to the corporate properties personnel and take the property off the books, reducing charges to government customers for maintenance, tax and insurance purposes. Development of the parcels would be done in conjunction with the property sales, or within 10 years. The road accesses are clearly indicated in the report providing access to the various parcels. Mr. Carl thanked staff for working with them and said he thinks that both the needs of the City and the needs of Lockheed are being met in this proposal.

Comm. Moylan asked if removing the properties from their books would help in the bidding of contracts. Mr. Carl said it could reduce the overhead costs allowing them to be more competitive.

Mr. Carl addressed a question from Comm. Simons regarding Light Rail Station access saying that on one of the sites there are easements for pedestrian access and that he thinks that whoever is at Parcel 1 would also have access.

Comm. Simons said he recalled a pedestrian access that goes north and south near "H Street," but there is not an access going west. Mr. Carl said he believes that is correct, but that a pathway or sidewalk could be developed.

Comm. Moylan closed the public hearing.

Comm. Sulser said Lockheed has subdivided their land before and asked staff if variances were granted in the past. Mr. Miner said yes, that variances were granted on the lots near Yahoo.

Comm. Simons made a motion to adopt the Mitigated Negative Declaration and approve the Tentative Map with modified conditions, including language in COA D.2, that "additional charges to be added if bridge access to light rail for pedestrian and cyclists are not included and that the study include those considerations." Ms. Ryan suggested that this language be part of the motion as an advisory note to staff rather than the COA. **Comm. Simons recommended to staff for the extension study to include the design for pedestrian and bicycle access to Moffett Park as well as the Light Rail Station and any mitigation that would be needed. Comm. Klein seconded.**

Comm. Simons commented that he understands this has been a long project in the works, approximately 36 months, and that he thinks the project has been worked out very well with the staff.

Comm. Sulser commented that he will be supporting the motion and had no problem making the findings on this project. He said he met with Lockheed regarding the project and is very happy that Lockheed and staff were able to come to an agreement on the Mary Avenue reservations.

Comm. Moylan said he is glad that this project may help Lockheed be more competitive in their bids.

Final Action:

Comm. Simons made a motion on 2004-0023/2005-0324 to adopt the Mitigated Negative Declaration and approve the Tentative Map with attached conditions. A recommendation was made to staff that any future project on Lot 1 include the design for pedestrian and bicycle access specifically for access to the Light Rail Station. Comm. Klein seconded.

Motion carried 4-0, Chair Hungerford, Vice Chair Fussell and Comm. Babcock absent.

This item is appealable to the City Council no later than November 8, 2005.